

JCT U.S. PTO  
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11/27/02  
PATENT

Customer Number 22,852  
Attorney Docket No. 3804.0101-02

J1002 U.S. PTO  
09/986797  
11/13/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Prior Application Art Unit: 1631      Prior Application Examiner: J. Brusca

SIR: This is a request for filing a

Continuation  Continuation-in-Part  Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application no. 09/087,156 filed May 28, 1998, BRIAND *et al.* for RECOMBINANT ADENOVIRUSES AND USE THEREOF IN GENE THERAPY FOR TREATING EYE DISEASES

1.  Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application no. 09/087,156 as filed on May 28, 1998, which is incorporated herein by reference.
2.  Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3.  Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4.  Cancel Claims.
5.  A Preliminary Amendment is enclosed.
6.  The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

Basic Application Filing Fee				\$740	\$ 740.00
	Number of Claims	Basic	Extra Claims		
Total Claims	13	-	20	0 x \$18	
Independent Claims	1	-	3	0 x \$84	
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)				+\$280	
Subtotal				\$ 740.00	
Reduction by 1/2 if small entity				-	

TOTAL APPLICATION FILING FEE	\$ 740.00
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7.  A check in the amount of \$710.00 to cover the filing fee is enclosed.

8.  The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.

9.  Amend the specification by inserting before the first line, the following new paragraph:

This is a  continuation  division of application no. 09/087,156 filed May 28, 1998, which is a continuation of application no. 08/513,998, filed October 27, 1995.

10.  New formal drawings are enclosed.

11.  The prior application is assigned of record to: Aventis Pharma S.A. and the Institut National De La Sante Et De La Recherche Medicale

12.  Priority of application no. FR93-02438, filed on March 3, 1993 in France is claimed under 35 U.S.C. § 119. A certified copy  
 is enclosed or  is on file in the prior application.

13.  A verified statement claiming small entity status  
 is enclosed or  is on file in the prior application.

14.  The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvoold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup,

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Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; David A. Manspeizer, Reg. No. 37,540; and Steven P. O'Connor, Reg. No. 41,225.

15.  The power appears in the original declaration of the prior application.

16.  Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

17.  Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, Customer Number 22,852.

18.  Recognize as associate attorney \_\_\_\_\_  
\_\_\_\_\_

19.  Also enclosed is \_\_\_\_\_  
\_\_\_\_\_

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no., filed, for the purpose of maintaining copendency between the parent application and this application,

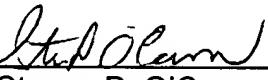
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and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 12, 2001

By:

  
Steven P. O'Connor  
Reg. No. 41,225

TODAY'S DATE  
NOVEMBER TWENTY FIVE, TWO THOUSAND ONE

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
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WASHINGTON, DC 20005  
202-408-4000

Pascale Briand and Michel Perricaudet

RECOMBINANT ADENOVIRUSES AND USE THEREOF IN GENE THERAPY FOR  
TREATING EYE DISEASES

U.S. National Stage of PCT/FR94/00220

**English Translation of the International Application**  
(20 pages text; 1 sheet drawings)

Atty. Docket No. EX93006-US

CERTIFICATE OF MAILING (37 CFR § 1.10)

GB761721191 US

"Express Mail" Mailing Number

31 August 1995

Date of Deposit

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner of Patents and Trademarks, Box PCT, Washington, DC 20231, Attn. EO/US.

Julie K. Smith

(Type or print name of person mailing paper)

JKS

(Signature of person mailing paper)